

REMARKS/ARGUMENTS

This response is submitted in reply to the Office Action dated August 20, 2010. Claims 1-21 and 25-30 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to clarify the claimed invention. In view of the amendments and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1, 11, 21, 23, and 25-30 are Novel.

Claims 1, 11, 21, 23, and 25-30 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2003/015039 to Roberts. However, Roberts fails to teach each and every feature of the claimed invention as arranged in the claims.

Independent claim 1, and similarly independent claims 11 and 21, recite the feature "the packet data protocol context comprising a plurality of data flows including the data flow, wherein each data flow of the plurality of data flows is distinguishable by a set of flow parameters, wherein the set of flow parameters includes a flow identifier that distinguishes flows having a common destination address." Support for this amendment is derived from specification at least paragraphs [0041], [0043], and [0046] of the published application. In this regard, paragraph [0041] describes that "[a]ll packets belonging to a particular flow have a set of common properties derived from the data contained in the packet." As such, packets from different data flows have different properties, or sets of parameters. Paragraph [0043] also indicates that the differentiations in parameters allows for the ability to differentiate between flows to permit per-flow charging. Paragraph [0046] introduces the concept of a flow identifier as a flow parameter that can assist in differentiating the flows. In addition to introducing the flow identifier parameter, paragraph [0046] also lists a number of other parameters including a source address and port, destination address and port, and URL which may be included as parameters of a flow. Through the described ability to distinguish between flows, the flow identifier facilitates the ability to differentiate between flows where, for example, the destination address of two flows is the same.

Roberts fails to teach or suggest this feature of the claimed invention, and, in particular, Roberts fails to teach or suggest the inclusion of a flow identifier as a flow parameter that permits the ability to differentiate between flows having a common destination address. In this regard, Roberts specifically indicates that the destination address of the packets is the means by which specific charging of packets is accomplished, and makes no mention of utilizing a flow identifier or other parameter that could be used to differentiate between packets directed to the same address but are nonetheless part of different flows.

Paragraph [0012] of Roberts clearly indicates that “each packet address” is used to determine respective billing for the packets. Further, in paragraph [0021] Roberts describes that rules for charging are configured based on the “destination of the service as described by URL or IP address and port number of the server.” Also, in paragraph [0112], Roberts refers to its scheme of using “destination based charging.” As such, Roberts is clearly relying on the use of a destination address to differentiate between packets for charging purposes. In a situation where different flows of packets are directed to the same destination, Roberts provides no indication as to how those flows of packets would be differentiated to enable separate charging for packets headed to the same destination address. Unlike the claims, Roberts fails to address this issue, resulting in a technique that provides an inability to perform flow-based charging when the same destination address is used for separate packet flows.

Due to these insufficiencies of Roberts as an anticipatory reference, the rejections of claims 1, 11, 21, 23, and 25-30 are overcome. Claims 1, 11, 21, 23, and 25-27 are therefore patentable over Roberts.

B. Claims 2-10 and 12-20 are Nonobvious.

Dependent claims 2-10 and 12-20 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of various combinations with U.S. Patent No. 7,002,977 to Jogalekar, U.S. Patent No. 7,185,073 to Gai, U.S. Patent No. 7,369,541 to Hundescheidt, U.S. Patent Application No. 2002/0013849 to Schweitzer, and U.S. Patent Application No. 2002/0122432 to Chaskar. However, the combination of Roberts with these other references fails for the same reasons as submitted above, because the other cited references do not cure the

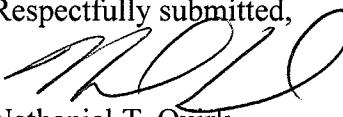
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deficiencies of Roberts, and the other references are not cited for this purpose. Further, it would not be obvious to one of skill in the art to modify the combinations with Roberts to cure the deficiencies. Accordingly, the rejections of claims 2-10 and 12-20 are overcome, and claims 2-10 and 12-20 are patentable.

CONCLUSION

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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